

STATEMENT OF BASIS (AI No. 152772)

for draft Louisiana Pollutant Discharge Elimination System permit No. LA0123471 to discharge to waters of the State of Louisiana.

THE APPLICANT IS: Mike's Seafood, Inc.
3218 Highway 1
Napoleonville, LA 70390

ISSUING OFFICE: Louisiana Department of Environmental Quality (LDEQ)
Office of Environmental Services
Post Office Box 4313
Baton Rouge, Louisiana 70821-4313

PREPARED BY: Yvonne Baker

DATE PREPARED: December 12, 2007

1. PERMIT STATUS**A. Reason For Permit Action:**

First time issuance of a Louisiana Pollutant Discharge Elimination System (LPDES) permit for a 5-year term.

B. NPDES permit – NPDES permit effective date: N/A
NPDES permit expiration date: N/A
EPA has not retained enforcement authority.

C. LPDES permits –
LPDES permit effective date: N/A
LPDES permit expiration date: N/A

D. Date Application Received: November 7, 2007

2. FACILITY INFORMATION**A. FACILITY TYPE/ACTIVITY - seafood market / processor**

The facility is a seafood market / seafood processor which boils crabs and crawfish, fillets choupique and thaws and boils shrimp. Crawfish are boiled for 3-6 months (March – May height). Crabs are boiled for 3 months of the year (August to October). Choupique are filleted during November through January (2 to 3 lbs/day). Shrimp are thawed and sold all year. The facility proposes to discharge seafood boil water, seafood process water, floor washdown water, and treated sanitary wastewater.

B. FEE RATE

1. Fee Rating Facility Type: minor
2. Complexity Type: II; BPJ to 0 per administrative decision for seafood processors
3. Wastewater Type: II
4. SIC code: 2092 and 5421

C. LOCATION - 3218 Highway 1 in Napoleonville, Assumption Parish
Latitude 29° 51' 38", Longitude 90° 58' 55"

Statement of Basis for
Mike's Seafood, Inc.,
LA0123471, AI No. 152772
Page 2

3. OUTFALL INFORMATION

Outfall 001

Discharge Type: seafood boil water, seafood process water, floor washdown water, and treated sanitary wastewater

Treatment: septic tank

Location: at the point of discharge from the effluent pipe at the rear of the building prior to mixing with other waters

Flow: 90 GPD (80 GPD treated sanitary wastewater; 10 GPD seafood boil water, seafood process water and floor washdown water)

Discharge Route: via pipe to Bayou Lafourche

4. RECEIVING WATERS

STREAM - via pipe to Bayou Lafourche

BASIN AND SEGMENT - Barataria Basin, Segment 020401

DESIGNATED USES -

- a. primary contact recreation
- b. secondary contact recreation
- c. propagation of fish and wildlife
- d. drinking water supply

5. TMDL STATUS

Subsegment 020401, Bayou Lafourche - From Donaldsonville to ICWW at Larose, is not listed on LDEQ's Final 2004 303(d) list as impaired. However, subsegment 020401 was previously listed as impaired for organic enrichment/low DO, pathogen indicators, and nutrients, for which the below TMDL's have been developed. The Department of Environmental Quality reserves the right to impose more stringent discharge limitations and/or additional restrictions in the future to maintain the water quality integrity and the designated uses of the receiving water bodies based upon additional TMDL's and/or water quality studies. The DEQ also reserves the right to modify or revoke and reissue this permit based upon any changes to established TMDL's for this discharge, or to accommodate for pollutant trading provisions in approved TMDL watersheds as necessary to achieve compliance with water quality standards.

The following TMDLs have been established for subsegment 020401:

Bayou Lafourche TMDL for Fecal Coliforms

TMDL for Fecal Coliforms for Bayou Lafourche, Louisiana (Subsegment 020401) was effective on August 5, 2004. The discharge from this facility was not considered in the TMDL. According to the TMDL report, "LDEQ's policy is to set permit limits for fecal coliforms no higher than water quality standards (i.e., standards are met at end of pipe). Therefore, as long as point source discharges of treated wastewater contain fecal coliforms levels at or below these permit limits, they should not cause any violations of water quality standards for fecal coliforms." Compliance with the Fecal Coliform limitation in this permit should not cause or contribute to the violation of water quality standards for Total Fecal Coliform in the receiving stream.

Statement of Basis for
 Mike's Seafood, Inc.,
 LA0123471, AI No. 152772
 Page 3

Bayou Lafourche TMDL for Dissolved Oxygen and Nutrients

TMDL Development for Dissolved Oxygen and Nutrients for Bayou Lafourche Subsegment (020401) in the Barataria Basin, Louisiana was effective on April 5, 2005. The discharge from this facility was not considered in the TMDL. According to the TMDL report, the primary source of flow through Bayou Lafourche is provided by the Mississippi River as pumped through the Walter Lemann, Sr. Pumping Station at Donaldsonville at an average flow rate of 200 cubic feet per second (cfs). Projected simulation results were used to develop a TMDL for oxygen demanding substances (CBOD, ammonia nitrogen, organic nitrogen, and sediment oxygen demand). Model projection simulations resulted in no required load reductions from point sources. In addition, the flow from this facility is de minimus.

Organic Enrichment/Low DO
 BOD₅ limits are established in this permit.

Nutrients

LDEQ's position, as supported by the ruling in the lawsuit regarding water quality criteria for nutrients (*Sierra Club v. Givens*, 710 So.2d 249 (La. App. 1st Cir. 1997), writ denied, 705 So.2d 1106 (La. 1998)), is that when oxygen-demanding substances are controlled and limited in order to ensure that the dissolved oxygen criterion is supported, nutrients are also controlled and limited. LAC 33:IX.2707.D.1.f.iii allows the establishment of effluent limitations based on an indicator parameter for the pollutant of concern. LDEQ's consistent approach to controlling nutrients in similar discharges where the WQMP does not otherwise require specific nutrient limitations is achieved by limiting the discharge of oxygen-demanding substances through a BOD₅ limitation. Compliance with the BOD₅ limitation as the indicator parameter will result in the control of nutrients from the discharge sufficient to attain and maintain the applicable water quality standard. Effluent monitoring of the indicator parameter as conducted by the permittee in accordance with Part I of the permit in addition to LDEQ's ambient water quality monitoring program will allow for further evaluation by the Department to determine the effectiveness of the limitation. The reopener clause located in Part II of the final permit allows the Department to modify or revoke and reissue the permit if the limitations as set on the indicator parameter are shown to no longer attain and maintain applicable water quality standards.

Therefore, compliance with the BOD₅ limitation in this permit should not cause or contribute to the violation of water quality standards for dissolved oxygen and nutrients in the receiving stream.

5. PROPOSED EFFLUENT LIMITS

BASIS - See Rationale below.

6. COMPLIANCE HISTORY/COMMENTS

- A. WQMD – N/A; initial permit
- B. DMR Review/Excursions – N/A; initial permit

7. ENDANGERED SPECIES

The receiving waterbody, Subsegment 020401 of the Barataria Basin is not listed in Section II.2 of the Implementation Strategy as requiring consultation with the U.S. Fish and Wildlife Service (FWS). This strategy was submitted with a letter dated October 24, 2007 from Boggs (FWS) to Brown (LDEQ). Therefore, in accordance with the Memorandum of Understanding between the LDEQ and the FWS, no

Statement of Basis for
Mike's Seafood, Inc.,
LA0123471, A1 No. 152772
Page 4

further informal (Section 7, Endangered Species Act) consultation is required. The effluent limitations established in the permit ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat. Therefore, the issuance of the LPDES permit is not likely to have an adverse effect on any endangered or candidate species or the critical habitat.

8. HISTORIC SITES

The discharge is from an existing facility location, which does not include an expansion on undisturbed soils. Therefore, there should be no potential effect to sites or properties on or eligible for listing on the National Register of Historic Places, and in accordance with the "Memorandum of Understanding for the Protection of Historic Properties in Louisiana Regarding LPDES Permits" no consultation with the Louisiana State Historic Preservation Officer is required.

9. TENTATIVE DETERMINATION

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to issue a permit for the discharge described in the application.

10. PUBLIC NOTICES

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the draft permit and may request a public hearing to clarify issues involved in the permit decision at this Office's address on the first page of the statement of basis. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

Public notice published in:

Local newspaper of general circulation

Office of Environmental Services Public Notice Mailing List

Statement of Basis for
Mike's Seafood, Inc.,
LA0123471, AI No. 152772
Page 5

Rationale for Mike's Seafood, Inc.

1. **Outfall 001** - boil water, seafood process water, floor washdown water, and treated sanitary wastewater (estimated flow is 90 GPD)

<u>Pollutant</u>	<u>Limitation</u> Mo. Avg: Weekly Avg (mg/L)	<u>Reference</u>
Flow (GPD)	Report: Report	
BOD ₅	---: 45	Similar discharges* (BPJ)
TSS	---: 45	Similar discharges* (BPJ)
Oil & Grease	---: 15	Similar discharges* (BPJ)
Fecal Coliform	---: 400	LAC 33:IX.1113.C.5.a
Colonies/100 ml		
pH	6.0 - 9.0 su	Similar discharges* (BPJ)

Treatment: septic tank

Monitoring Frequency: Quarterly for all parameters at the point of discharge from the septic tank prior to mixing with waters of the state. Monitoring frequency is based on current guidance for similar discharges from other facilities

Limits Justification: Limits are based on current guidance for treated sanitary discharges from similar facilities. Limits for the boil water, seafood process water, and floor washdown water were not placed in this permit because the amount of this wastewater is so small as to be insignificant.

This facility is not subject to Effluent Limitations Guidelines for Canned and Preserved Seafood Processing, 40 CFR Part 408, because, the boiling of crabs and crawfish, the filleting choupique, and the thawing and boiling of shrimp is not included in this point source category.

* Existing permits for similar outfalls
su Standard Units

NOTE

For outfalls containing concentration limits, the usage of concentration limits is based on BPJ for similar outfalls since the flow is variable and estimated.

STORM WATER POLLUTION PREVENTION PLAN (SWP3) REQUIREMENT

A SWP3 is included in the permit because in accordance with LAC 33:IX.2511.A.1, storm water discharges shall not be required to obtain an LPDES permit "... except... discharges associated with industrial activity." In accordance with LAC 33:IX.2511.B.14.a-k, facilities classified as SIC code 2092 are considered to have storm water discharges associated with industrial activity.

The SWP3 shall be prepared, implemented, and maintained within (6) months of the effective date of the final permit. The plan should identify potential sources of storm water pollution and ensure the implementation of practices to prevent and reduce pollutants in the storm water discharges associated with industrial activity at the facility (see Narrative Requirements for the AI).